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Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 DHA-02 AF-08 ARA-06 EA-07 EUR-12 NEA-10
CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 USIA-06 EB-08 AID-05 /117 W
----------252133 049113 /73
R 251956Z FEB 77
FM USMISSION GENEVA
TO SECSTATE WASHDC 5492
INFO USMISSION USUN NEW YORK

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E.O. 11652: N/A
TAGS: UN, SHUM
SUBJECT: HUMAN RIGHTS COMMISSION: AGENDA ITEM 6--SITUATION OF HUMAN RIGHTS IN SOUTHERN AFRICA

1. FOLLOWING IN THE LAST PARAGRAPH IS AN INFORMAL DRAFT OF A PROPOSED RESOLUTION ON THE REPORT OF THE AD HOC WORKING GROUP OF EXPERTS ON SOUTHERN AFRICA. A COPY OF THE REPORT (E/CN.4/1222) HAS BEEN FORWARDED BY POUCH TO IO/HR FRANKLIN J. CRAWFORD. AGENDA ITEM 6 IS SCHEDULED TO BE INTRODUCED MONDAY, FEBRUARY 28 BUT THIS DRAFT HAS NOT YET BEEN TABLED.

2. WE HAVE ALREADY GIVEN TO THE CO-SPONSORS, UPPER VOLTA, RWANDA AND SENGAL, ORU PRELIMINARY REACTIONS TO THE DRAFT. WE HAVE NOTED IN PARTICULAR DIFFICULTIES WITH PREAMBULAR PARAGRAPH 4 AND OPERATIVE PARAGRAPHS 5, 7, 8, 9, 12 AND 17 IN THE INTERESTS OF WORKING TOWARDS A RESOLUTION ON WHICH THE U.S. COULD DEMONSTRATE ITS SUPPORT, WE HAVE SUGGESTED THAT THE RESOLUTION BE DIVIDED INTO TWO SECTION, AS WAS DONE WITH THE RECENT RESOLUTION ON THE SITUATION IN THE MIDDLE EAST IN WHICH THE U.S. WAS ABLE TO VOTE "YES" ON ONE
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PART WHILE VOTING "NO" ON ANOTHER. OPERATIVE PARA-GRAPH 19 OF THE RESOLUTION COMMENCES A PROPOSED RESOLUTION FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL. WE HAVE SUGGESTED THAT IT IS THIS SECTION THAT COULD BE SLIGHTLY EXPANDED AND TREATED SEPARATELY. CO-SPONOSR SAID THEY WOULD CONSIDER THIS POSSIBILITY BUT WE DO NOT YET KNOW IF THIS WILL IN FACT BE ACCEPTED.

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3. WE WOULD APPRECIATE AS SOON AS POSSIBLE
DETAINED COMMENTS ON THE ENTIRE RESOLUTION.

4. TEXT OF PROPOSED RESOLUTION.

AGENDA ITEM 6: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

UPPER VOLTA, RWANDA: DRAFT RESOLUTION

THE COMMISSION ON HUMAN RIGHTS,
RECALLING ITS RESOLUTION 2 (XXIII), BY WHICH IT SET UP THE AD HOC WORKING GROUP OF EXPERTS, AND ITS RESOLUTIONS 21 (XXV), 7 (XXVII), 19 (XXIX) AND 5 (XXXI), BY WHICH IT EXTENDED AND BROADENED THE TERMS OF REFERENCE OF THAT GROUP,
RECOGNIZING THE CONTRIBUTION WHICH THE REPORTS OF THE AD HOC WORKING GROUP OF EXPERTS HAVE MADE AND ARE CONTINUING TO MAKE TO THE SUSTAINED EFFORTS OF THE UNITED NATIONS TO SEEK OUT AND COMBAT THE CONSTANT AND FLAGRANT VIOLATIONS OF HUMAN RIGHTS, AND IN PARTICULAR THE POLICIES OF APARTHEID AND RACIAL DISCRIMINATION WHICH CONTINUE UNABATED IN WOUTH AFRICA, AS WELL AS IN NAMIBIA AND SOUTHERN RHODESIA,
HAVING EXAMINED THE REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (E/CN.4/1222),
HAVING NOTED TAT THE AUTHORITIES OF SOUTH AFRICA CONTINUE TO OCCUPY NAMIBIA ILLEGALLY AND TO PERPETUATE THEIR ODIOUS POLICY OF APARTHEID AND RACAL DISCRIMINATION THERE, AND THAT THE REBEL GOVERNMENT OF RHODESIA IS NOT DISPLAYING ANDY GOOD WILL IN THE MATTER OF TRANSFER TO MAJORITY RULE,
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EXPRESSING THE HOPE THAT THE EFFORTS ALREADY MADE TO NEGOTIATE A SETTLEMENT OF THE CONSTITUTIONAL PROBLEM IN SOUTHERN RHODESIA WILL RESUMED AND THAT ALL MEMBER STATES, IN CO-OPERATION WITH THE UNITED NATIONS, WILL COLLABORATE WITH A VIEW TO ERADICIATING THE POLICY OF APARTHEID AND DISCRIMINATORY PRACTICES IN SOUTH AFRICAN NAMIBIA AND SOUTHERN RHODESIA,
1. REMAINS DEEPLY CONCERNED BY THE SITUATION WHICH CONTINUES TO PREVAIL IN SOUTHERN AFRICAN AND WHICH IS CHARACTERIZED BY A FLAGRANT DENIAL OF HUMAN RIGHTS
TO THE AFRICAN POPULATION AND BY THE BRUTAL AND INHUMAN TREATMENT OF POLITICAL PRISONERS IN THATA PART OF THE CONTINENT;
2. EXPRESSES ITS PROFOUND DISTRESS AT THE MASSACRES COMMITTED BY THE SOUTH AFRICAN POLICE DURING THE DEMONSTRATIONS AT SOWETO IN JUNE 1976;
3. REAFFIRMS THE INALIENABLE RIGHT OF THE NAMIBIAN PEOPLE TO SELF-DETERMINATION AND INDEPENDENCE, AND THEIR RIGHT TO ENJOY ALL THE RIGHTS RECOGNIZED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE VARIOUS INTERNATIONAL INSTRUMENT ON HUMAN RIGHTS;
4. REQUESTS THE WORKING GROUP OF EXPERTS TO INSTITUTE AN INQUIRY

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IN RESPECT OF ANY PERSON WHO HAS BEEN GUILTY IN NAMIBIA OF THE
CRIME OF APARTHEID OR OF A SERIOUS VIOLATION OF HUMAN RIGHTS,
AND TO BRING RESULTS OF THAT INQIRY TO THE ATTENTION OF THE
COMMISSION N HUMAN RIGHTS;

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5. RECOMMENDS THAT THE ECONOMIC AND SOCIAL COUNCIL SHOULD DRAW
THE ATTENTION OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL
TO THE DESIRABILITY OF ADOPTING SPECIFIC MEASURS, INCLUDING
THOSE PROVIDED FOR IN CHAPTER VII OF THE CHARTER OF THE UNITED
NATIONS, WITH A VIEW TO PUTTING AND END TO THE ILLEGAL
OCCUPATION OF NAMIBIA BY SOUTH AFRICA;
6. DENOUNCES THE POLICY OF "BANTUSTANIZATION" AS AN OBSTACLE TO
ANY REAL APPLICATION OF THE PRINCIPLE OF SELF-DETERMINATION;
7. APPROVES THE RECOMMENDATIONS SET FORTH IN THE DECLARATION AND
PROGRAMME OF ACTION OF THE INTERNATIONAL SEMINAR ON THE ERADICAT-
ION OF APARTHEID AND IN SUPPORT OF THE STRUGGLE FOR LIBERATION
IN WOUTH AFRICA (A/31/104), HELD AT HAVANA FROM 24 TO 28 MAY
1976;
8. DECIDES TO HAVE ITSELF REPRESENTED BY MEMBERS OF THE AD HOC
WORKING GROUP OF EXPERTS AT THE WORLD CONFERENCE FOR ACTION
AGAINST APARTHEID TO BE HELD IN 1977, PURSUANT TO GENERAL ASSEMBLY
RESOLUTION 31/6/G;
9. ADOPTS ALL THE CONCLUSIONS AND RECOMMENDATIONS OF THE AD HOC
WORKING GROUP OF EXPERTS;
10. URGES ALL COUNTRIES WHICH ARE ENGAGING IN ACTIVITIES, EITHER
DIRECTLY OR THROUGH THEIR NATIONALS, THAT ARE HELPING TO PERPET-
UATE THE PRESENT SITUATION IN NAMIBIA, TO REFRAIN FROM SUCH
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11. DEMANDS THE IMMEDIATE RELEASE OF ALL POLITICAL PRISONERS HELD, AND IN PARTICULAR THOSE WHO ARE SUSPECTED OF SYMPATHIZING WITH SWAPO;
12. ENDORSES THE RECOMMENDATIONS OF THE DECLARATION OF DAKAR AND THE PROGRAMME OF ACTION ANNEXED THERETO, AND IN PARTICULAR:
(A) CONDEMNS THE SO-CALLED WINDHOEK CONSTITUTIONAL CONFERENCE;
(B) RECOMMENDS THAT THE COMPETENT INTERNATIONAL ORGANIZATIONS AND MEMBER STATES WHOULD SUPPORT SWAPO;
(C) REQUESTS THE GENERAL ASSEMBLY TO INVITE THE UNITED NATIONSL COUNCIL FOR NAMIBIA TO STUDY, IN CONSULTATION WITH SWAPO, THE POSSIBILITY FOR NAMIBIA TO BECOME A PARTY TO INTERNATIONAL CONVENTION ON HUMAN RIGHTS AND, IN PARTICULAR, TO THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID.
13. RECOMMENDS THAT THE UNITED NATIONS SHOULD INTENSIFY ITS CO-OPERATION BY SUPPLYING HUMANITARIAN AID, PARTICULARLY IN THE FORM OF MEDICINES AND FOODSTUFFS, TO THE NEIGHGBORING COUNTRIES OF SOUTHERN RHODESIA;
14. DECIDES THAT THE AD HOC WORKING GROUP OF EXPERTS SHOULD CONTINUE TO STUDY THE POLICIES AND PRACTICES WHICH VILATE HUMAN RIGHTS IN WOUTHERN AFRICA, NAIBIA AND SOUTHERN RHODESIA;
15. REQUESTS THE GROUP TO SUBMIT ON ITS FINDINGS TO THE COMMISSION AT ITS THIRTY-FIFTH SESSION AT THE LATEST, AND TO SUBMIT A PROGRESS REPORT TO IT AT ITS THIRTY-FOURTH SESSION:
16. DECIDES TO RENEW THE MANDATE OF THE AD HOC WORKING GROUP OF EXPERTS, COMPOSED OF THE FOLLOWING EXPERTS ACTING IN THEIR PERSONAL CAPACITY:
MR. KEBA MBAYE (SENEGAL, CHAIRMAN-RAPPORTEUR,
MR. BRANIMIR JANKOVIC (YOUGSLAVIA),
MR. AMJAD ALI (INDIA),
MR. ANNAN ARKYIN CATO (GHANA),
MR. HUMBERTO DIAZ CASANUEVA (CHILE),
MR. FELIX ERMACORA (AUSTRIA);
17. INVITES THOSE MEMBERS STATES WHICH HAVE NOT YET DONE SO TO ACCEDE TO THE INTERNATIONAL CONVENTION ON THE SUPRESSION AND
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PUNISHMENT OF THE CRIME OF APARTHEID;
19. REQUESTS THE SECRETARY-GENERAL, IN ACCORDANCE WITH RESOL-UTIONS 5 (XXXI) AND 8 (XXXII) OF THE COMMISSION ON HUMAN RIGHTS, TO CONTINUE HIS CONTACTS WITH A VIEW TO THE ORGANIZATION IN SOUTHERN AFRICA, IF POSSIBLE IN 1977, OF A SYMPOSIUM ON THE MATTERS REFERRED TO IN PARAGRAPH 20 OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE REPORT OF THE AD HOC WORKING GROUP OF

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EXPERTS (E/CN.4/1159);
19. RECOMMEND THAT THE ECONOMIC AND SOCIAL COUNCIL SHOULD ADOPT THE FOLLOWING RESOLUTION:
"THE ECONOMIC AND SOCIAL COUNCIL
"TAKING NOTE OF RESOLUTION ... OF THE COMMISSON ON HUMAN RIGHTS,
" APPROVES THE DECISION TAKEN BY THE COMMISSION TO EXTEND THE MANDATE OF THE AD HOC WORKING GROUP OF EXPERTS;
"20. EXPRESSES ITS COMPLETE SATISFACTION TO THE AD HOC WORKING GROUP OF EXPERTS FOR THE WORK IT HAS CARRIED OUT;
"21. DECIDES THAT THE WORKING GROUP, IN CONJUNCTION WITH THE SPECIAL COMMITTEE AGAINST APARTHEID, SHOULD EXAMINE THE TREATMENT OF PRISONERS IN SOUTH AFRICA AND DEVOTE PARTICULAR ATTENTION TO THE DEATHS AND ILL-TREATMENT WHICH HAVE RECENTLY OCCURED AS A RESULT OF THE POLICY OF REPRESSION,IWITH A VIEW TO SUBMITTING A REPORT DURING THE MONTH OF AUGUST 1977;
"22. DECIDES THAT THE GROUP'S REPORTS SHOULD BE BROUGHT TO THE ATTENTION OF THE GENERAL ASSEMBLY WITHOUT DEALY;
"23. REQUEST THE SECRETARY-GENERAL TO GIVE ALL DUE PUBLICITY TO THE REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (E/CN.4/1222) AND TO FURNISH ALL NECESSARY ASSISTANCE TO THE GROUP TO ENABLE IT TO FULFIL ITS MANDATE." CATTO

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, TEXT, COMMITTEE MEETINGS, INVESTIGATIONS, ALLEGATIONS, MEETING REPORTS, RESOLUTIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 25-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GENEVA01414
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770066-1113
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770210/aaaaaipl.tel
Line Count: 245
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: ca421fbf-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 22-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3231037
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS COMMISSION: AGENDA ITEM 6--SITUATION OF HUMAN RIGHTS IN SOUTHERN AFRICA
TAGS: SHUM, SF, UN
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/ca421fbf-c288-dd11-92da-001cc4696bcc
Review Markings:
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22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009